

REMARKS

Claims 1 and 2 are pending in the application. Claims 1 and 2 have been revised to feature the currently contemplated invention. Dependent claims 3-5 are new.

Specification support for the revision of claims 1 and 2 to include the feature of "separated from the carcass" may be found at least at the paragraph spanning pages 16 and 16-1 of the application as originally filed.

Specification support for the revision of claims 1 and 2 to include the feature of cutting the epidermis into required sizes "cutting the epidermis to fit the head of a probe" may be found at page 23, lines 1-2, of the application as originally filed.

Specification support for revision of claim 2 to feature "wherein said bio-material is capable of detecting an electromagnetic signal" may be found at page 8, lines 17-22, and page 15, lines 20-22, and page 19, line 13 through to page 20, line 11, and elsewhere throughout the application as filed.

Specification support for new dependent claims 3-5 may be found at least at page 17, line 4 of the application as originally filed.

The revisions currently presented have been made without prejudice and without acquiescing to any rejection of record.

No new matter has been introduced, and entry of the above revised claims is respectfully requested.

Alleged Rejection Under 35 U.S.C. § 112

Claims 1 and 2 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as the invention. In particular, the Examiner alleges that recitation of "aromatics" and "required sizes", and in respect of applying heat and cold air "in turn", and in respect of generating static electricity "turning" the epidermis is unclear. Applicants have carefully reviewed the rejection of record and respectfully traverse.

Applicants submit that the description in the specification and the revisions to the claims are sufficient to overcome the grounds of this rejection. In this regard, Applicants have (as detailed below) revised claims 1 and 2 to feature "aromatic oil" in place of "aromatics"; deleted recitation of "required sizes" and "in turn"; replaced recitation of "turning" with "rotating"; and, revised "cutting the epidermis into required sizes" with recitation of "cutting the epidermis to fit on the head of a probe".

Applicants respectfully submit that one of ordinary skill in the relevant art would appreciate that aromatics used according to the instant claims is consistent with aromatic oil or fragrances. Further, Applicants respectfully point out that while this recognition in the art was not expressly indicated in the application as originally filed, Applicants submit that it is not necessary to specifically disclose what is generally known and accepted by those of ordinary skill in the relevant art (see, for example, MPEP at 2164.01 where it is stated that “A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), cert. denied, 480 U.S. 947 (1987); and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984).”

Applicants respectfully submit that recitation of “in turn” meant that heat of about 40° C and cold air of about -25° C were applied one after the other, and, is consistent with the current revision of claims 1 and 2 to recite “then”.

Applicants have revised claims 1 and 2 to recite “rotating” in place of “turning” in order to feature the currently claimed invention. Applicants respectfully submit that rotating and turning are synonymous.

Applicants respectfully submit that the instant specification supports revision of the current claims to recite “cutting the epidermis to fit on the head of a probe” at page 23, lines 1-2.

The revision of claim 2 to recite “wherein said bio-material is capable of detecting an electromagnetic signal” is consistent with support found at least at page 16 lines 17-18 of the instant application as originally filed.

In addition, Applicants have revised claim 1 to recite “separated from the carcass” and replaced recitation of “animal” with “organism” in order to set forth the currently claimed invention and retain antecedent basis for subsequent use of the word organism, respectively. Specification support for “separated from the carcass” may be found at least at page 17, line 23, of the instant application as filed.

Thus, based upon the above, Applicants respectfully submit that this rejection is now moot and may be properly withdrawn.

Alleged Rejection Under 35 U.S.C. § 103

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Maue (U.S. Patent No. 4,762,522). Applicants have carefully reviewed the statement of

rejection as well as the cited document and respectfully traverse because there is no case of obviousness against the pending claims.

The Examiner alleges that Maue reports the removal of epidermal tissue from carcasses, soaking of the epidermal tissue in a dichromate solution known in the art to include an acid, salt and water, washing the epidermal tissue, drying the epidermal tissue, exposing the epidermal tissue to ultraviolet light, and oiling the epidermal tissue. The Examiner acknowledges that Maue does not teach the cutting of epidermal tissues from fish, fowl or tortoises into required sizes. The Examiner alleges that it would have been obvious to one of ordinary skill in the art to (i) obtain epidermal tissue from fish, fowl or tortoises and (ii) to cut the tissues into required sizes because such a method is known in the art for obtaining skin/epidermis/hides from animals such as cattle, chickens and etc. for the purpose of tanning. Applicants respectfully submit that Maue is distinct from or otherwise non-analogous to the claimed subject matter. Applicants respectfully submit that Maue provides absolutely no rationale by which one of ordinary skill would consider modifying the reported hide tanning method to arrive at the instant claims.

Applicants submit that one of ordinary skill would not consider Maue in respect of a solid bio-material comprising separated epidermal tissues according to the instant claims. Maue does not teach or suggest a separated epidermis for the detection of an electromagnetic signal. Applicants respectfully point out that Maue reports the steps of beaming, liming, bating and tanning which are particularly unrelated and significantly different from the instant claims. In fact, based upon Maue (column 2, lines 12-20), the epidermis layer is removed by treatment with a liming solution (containing calcium oxide and calcium hydroxide). The hide prepared according to Maue is devoid of an epidermis. Applicants respectfully submit that one of ordinary skill in the relevant art would understand that the liming reported by Maue will destroy an epidermis. Since Maue reports the preparation of hide that does not contain an epidermis, Applicants respectfully submit that Maue provides no motivation to arrive at the instant claims which, in stark contrast, feature the presence of an epidermis.

Further, Applicants point out that Maue is directed to the significantly distinct field of leather processing for the production of leather products which is unrelated to the instant claims. One of ordinary skill in the relevant art would appreciate that preparing cow and lamb hide is distinct from the preparation of epidermal tissues of the instant invention. A separated epidermis of the instant claims would certainly not be used in the production of leather products. Accordingly, Applicants respectfully submit that the cited document is not an appropriate reference with regard to the field to which the current invention pertains and its applications.

Thus, based at least upon the above, Maue could not possibly render the instant claims obvious. Accordingly, Applicants respectfully submit that this rejection is misplaced and may be properly withdrawn.

Conclusion

It is believed that the instant application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. 502486 for any fees required under 37 CFR §§1.16 and 1.17 that are not covered, in whole or in part, by a credit card payment enclosed herewith and to credit any overpayment to said Deposit Account No. 502486.

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Respectfully submitted,

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